

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**  
AUG - 8 2001  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

JULIUS DAVIS, JR.,

Plaintiff,

v.

SHERIFF MICHAEL SHEAHAN,  
Officially, SGT. WALDEN, SGT.  
NAVARETTE, OFFICER  
MOORES MAN, OFFICER MALLOY,  
and OFFICER PIOLAMAR,  
Individually,

Defendants.

Case No. 01 C 4198

JUDGE GETTLEMAN

JURY DEMAND

NOTICE OF FILING

**DOCKETED**  
AUG 09 2001

To: Pat Smith  
Assistant States Attorney  
500 Richard J. Daley Center  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that on August 8, 2001, I caused to be filed with the Clerk of the Northern District, Eastern Division, the attached PLAINTIFF'S FIRST AMENDED COMPLAINT.

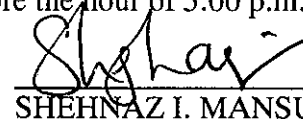


GREGORY E. KULIS AND ASSOCIATES

GREGORY E. KULIS AND ASSOCIATES  
30 North LaSalle Street, Suite 2140  
Chicago, Illinois 60602  
(312) 580-1830

CERTIFICATE OF SERVICE

I, SHEHNAZ I. MANSURI, an attorney, certify that on this 8<sup>th</sup> day of August, 2001, I caused the enclosed pleading to be served upon the above named attorney(s) at the aforementioned addresses by depositing the same in the U.S. Mail at 30 N. LaSalle Street, Chicago, Illinois, with proper postage prepaid, before the hour of 5:00 p.m.

  
SHEHNAZ I. MANSURI

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
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AUG - 8 2001

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

**JULIUS DAVIS, JR.,**

**Plaintiff,**

**v.**

**SHERIFF MICHAEL SHEAHAN,  
Officially, SGT. WALDEN, SGT.  
NAVARETTE, SGT. CLEMONS,  
OFFICER BRIAN MORRISON,  
OFFICER MALLOY and OFFICER  
PHILLIP PAOLINO, Individually,**

**Defendants.**

**Case No. 01 C 4198**

**JUDGE GETTLEMAN**

**JURY DEMAND**

**DOCKETED**

AUG 09 2001

**FIRST AMENDED COMPLAINT**

NOW COMES the Plaintiff, JULIUS DAVIS, JR., by and through his attorneys, GREGORY E. KULIS AND ASSOCIATES, and complaining against the Defendants, SHERIFF MICHAEL SHEAHAN, Officially, SGT. WALDEN, SGT. NAVARETTE, SGT. CLEMONS, OFFICER BRIAN MORRISON, OFFICER MALLOY and OFFICER PHILLIP PAOLINO, Individually, as follows:

**COUNT I-EXCESSIVE FORCE**

1) This action is brought pursuant to the laws of the United States Constitution specifically, 42 U.S.C. §1983 and §1988 and the laws of the State of Illinois to redress deprivations of civil rights of the Plaintiff accomplished by acts or omissions of the Defendants committed under color of law.

2) Jurisdiction is based on Title 28 U.S.C §1331 and §1343;

3) Plaintiff at all relevant times was a United States citizen and incarcerated in Cook County Jail at 2700 South California, Chicago, Illinois in Division IX;

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4) The Defendants, SGT. WALDEN, SGT. NAVARETTE, SGT. CLEMONS, OFFICER MORRISON, OFFICER MALLOY and OFFICER PAOLINO, were duly appointed Cook County Correctional Officers acting within their scope of employment and under color of law;

5) That on or about May 25, 2001, the Plaintiff was housed in Division IX;

6) On said date, Julius Davis requested to see a sergeant due to an incident;

7) SGT. WALDEN arrived on the scene with the other Defendants;

8) Without any just cause or provocation, Defendant WALDEN struck the Plaintiff;

9) After instructions from another sergeant the other Defendants along with other correctional officers began to punch, strike, beat and kick the Plaintiff;

10) That at all relevant times the Defendants were acting pursuant to customs and policies of the Cook County Department of Corrections;

11) The force used was unprovoked, unnecessary, unreasonable and excessive;

12) The Plaintiff was injured and required medical care;

13) That the actions of the Defendants were done intentionally, willfully and with malice;

14) That said actions of the Defendants violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

15) As a direct and proximate consequence of said conduct of the Defendants, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendants, SGT. WALDEN, SGT. NAVARETTE, OFFICER MORRISON, OFFICER MALLOY and OFFICER PAOLINO in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

**COUNT II**  
**FAILURE TO INTERVENE**

1-12) The Plaintiff hereby realleges and incorporates the allegations of paragraphs 1-12 of Count I as his respective allegations of paragraphs 1-12 of Count II as though fully set forth herein.

13) The Defendants stood by and allowed the beating to take place and and failed to intervene.

14) The actions of the Defendants were intentional willful and wanton;

15) That said actions of the Defendants violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were in violation of said rights protected by 42 U.S.C. §1983.

16) As a direct and proximate consequence of said conduct of the Defendants, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendants, SGT. WALDEN, SGT. NAVARETTE, SGT. CLEMONS, OFFICER MORRISON, OFFICER MALLOY and OFFICER PAOLINO in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and

TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

**COUNT III**  
**FAILURE TO PROVIDE MEDICAL CARE**

1-12) The Plaintiff hereby realleges and incorporates the allegations of paragraphs 1-12 of Count II as his respective allegations of paragraphs 1-12 of Count III as though fully set forth herein.

13) Due to the incident, the Plaintiff needed additional medical care;

14) Additional medical care was scheduled;

15) The staff in Division IX, specifically OFFICER MALLOY and others, refused to provide the Plaintiff medical care;

16) This failure to provide medical care constituted a violation of the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and protected under 42 U.S.C. §1983;

17) The actions of the Defendants were done intentionally and willfully;

18) As a direct and proximate consequence of said conduct of the Defendant, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendant, OFFICER MALLOY, in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages and TWENTY-FIVE THOUSAND AND 00/100 (\$25,000.00) DOLLARS punitive damages plus costs.

**COUNT IV**  
**PRACTICE AND POLICY**  
**MICHAEL SHEAHAN, OFFICIALLY**

1-16) The Plaintiff hereby realleges and incorporates his allegations of paragraph 1-16 of Count III as his respective allegations of paragraphs 1-16 of Count IV as though fully set forth herein;

17) The Sheriff of Cook County, MICHAEL SHEAHAN, is officially responsible for the care and custody of the detainees at Cook County Jail and for setting customs, practices and policy;

18) Sheriff MICHAEL SHEAHAN has allowed a custom, practice and policy to exist whereby:

- a) Supervisory personnel are allowed to remain employed and in supervisory positions after being disciplined for excessive force cases;
- b) Detainees who are injured are deprived medical care to cover up the incident;

19) This custom, practice and policy was a contributory force behind the unlawful acts against the Plaintiff and facilitated these acts;

20) Said custom, practice and policy violated the Plaintiff's Fourth, Eighth and Fourteenth Amendment Rights of the United States Constitution and were violation of said rights protected by 42 U.S.C. §1983;

21) As a direct and proximate consequence of said conduct of the Defendant, the Plaintiff suffered violations of his constitutional rights, emotional anxiety, fear, mental trauma, humiliation, insult, pain and suffering.

WHEREFORE, the Plaintiff, JULIUS DAVIS, JR., prays for judgment in his favor and against the Defendant, SHERIFF MICHAEL SHEAHAN, Officially, in excess of FIFTY THOUSAND AND 00/100 DOLLARS compensatory damages.

**JURY DEMAND**

The Plaintiff, JULIUS DAVIS, JR., requests trial by jury.

Respectfully submitted,



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